

6.3 DOWNTOWN MIXED USE (D3) ZONE

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within a Downtown D3 Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the prescribed regulations:

6.3.1 PERMITTED USES

Beverage Making Establishment
 Catering Service
 Commercial Entertainment
 Commercial Parking Facility
 Commercial Recreation
 Commercial School
 Community Garden
 Conference or Convention Centre
 Craftsperson Shop
 Day Nursery
 Dwelling Unit(s)
 Educational Establishment
 Emergency Shelter
 Financial Establishment
 Hotel
 Laboratory
 Lodging House
 Long Term Care Facility
 Medical Clinic
 Motor Vehicle Rental Establishment
 Multiple Dwelling
 Office
 Personal Services
 Place of Worship
 Printing Establishment
 Private Club or Lodge
 Repair Service
 Residential Care Facility
 Restaurant
 Retail
 Retirement Home
 Social Services Establishment
 Studio
 Tradesperson's Shop
 Transportation Depot
 Urban Farm
 Veterinary Service

(By-law 06-324, October 25, 2006)

(By-law 11-276, November 16, 2011)

(By-law 14-238, September 10, 2014)

(By-law 14-273, September 24, 2014)

6.3.2 PROHIBITED USES

Notwithstanding Section 6.3.1, the following uses are prohibited, even as an accessory use:

Drive-Through Facility
Dry Cleaning Plant

6.3.3 REGULATIONS

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| a) Maximum Building Setback from a Street Line
(By-law 07-321, November 14, 2007) | i) 2.0 metres for the first storey, except where a visibility triangle shall be provided for a driveway access; |
| | ii) 0.5 metres for the second and third storeys; |
| | iii) 6.0 metres for that portion of a building providing an access driveway to a garage. |
| | iv) Where a building(s) has been constructed and complies with section 6.3.3 c) ii) below, additional buildings constructed on the subject property shall not be subject to section 6.3.3 a) i) above, as it relates to the setback from a front lot line. |
| | v) Rooftop mechanical penthouse, stair tower and elevator bulkhead shall not be subject to section 6.3.3 a) i) above. |
| | vi) Accessory buildings and structures shall not be subject to 6.3.3 a) i) and 6.2.3 a) ii) above. |

(By-law 06-324, October 25, 2006, By-law 08-227, September 24, 2008, By-law 14-238, September 10, 2014)

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| b) Building Height | i) Minimum 7.5 metres façade height, for any portion of a building along a street line;
(By-law 06-324, October 25, 2006) |
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- ii) Maximum building height shall be in accordance with reference to the lot location and applicable building height maximum indicated on Figure 1 of Schedule "F" – Special Figures.

c) Built Form for New Development

In the case of buildings constructed after the effective date of this By-law or for alterations to buildings existing as of the effective date of this By-law:

- i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street;
- ii) The minimum width of the ground floor façade shall be equal to 75% or more of the measurement of the front lot line;
- iii) For the lots delineated as a Heritage Character Zone on Figure "2" of Schedule "F" – Special Figures, where construction and/or alteration to the façade of a building are proposed, the following regulations shall also apply:
 1. A minimum of 60% of the area of the ground floor façade shall be comprised of clear glazed windows and doors. Window and door frames, clear glazed transoms and sidelights, doors with at least 50% clear glazing, and a sill up to 0.6m in height are permitted to be included in the calculation of the clear glazed area. Signage and opaque/spandrel glazing shall not be included in the calculation of the clear glazed area; (By-law 14-238, September 10, 2014)
 2. A minimum of 25% and a maximum of 40% of the façade of the second and third storeys shall be composed of windows;

3. The ground floor storey shall be no less than 3.6 metres in height and no greater than 4.5 metres in height. The second and third storeys shall each be no less than 3.0 metres in height and no greater than 4.0 metres in height; and,
4. Exterior building cladding for the first three storeys, except decorative architectural features (such as window and door frames, sills, lintels, surrounds, and cornices), shall be of either one or a combination of no more than two of the following materials:
 - brick;
 - concrete panels;
 - stone block, stone veneer or artificial stone;
 - stucco; or,
 - metal and metal panels, excluding aluminum siding or any metal variant thereof.

(By-law 06-324, October 25, 2006)

(By-law 14-238, September 10, 2014)

- iv) Notwithstanding the above, for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.

- d) Visual Barrier A visual barrier shall be required along any lot line abutting a Downtown D5 Zone or Downtown D6 Zone in accordance with the requirements of Section 4.19 of this By-law.
- e) Parking In accordance with the requirements of Section 5 of this By-law.
(By-law 06-324, October 25, 2006)
- f) Outdoor Storage No outdoor storage of goods, materials or equipment shall be permitted. This shall not, however, prevent the display of goods or

materials for retail purposes.

- g) Commercial Parking Facility
- In the case of a commercial parking facility developed after the effective date of this By-law, such facility:
- i) Shall only be contained within a building; and,
 - ii) With the exception of an access driveway to the parking facility, that portion of the ground floor of the facility which faces any street shall only be used for permitted uses, other than parking.
(By-law 06-324, October 25, 2006)
- h) Location of Emergency Shelter and Residential Care Facility
- i) Except as provided for in Subsection ii), herein, every Emergency Shelter and Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility.
 - ii) Where the radial separation distance from the lot line of an Emergency Shelter or Residential Care Facility existing as of the effective date of this By-law, is less than 300 metres to the lot line of any other lot occupied by an existing Residential Care Facility, Emergency Shelter, Corrections Residence or Correctional Facility, either of the existing Residential Care Facility or Emergency Shelter may be expanded or redeveloped to accommodate not more than the permitted number of residents permitted by the Zone in which it is located.
 - iii) Notwithstanding Subsection 6.3.1, within the lands bounded by Queen Street,

Hunter Street, James Street and Main Street, no new Residential Care Facility or Emergency Shelter shall be permitted.

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| i) Maximum Capacity for Emergency Shelter
(By-law 06-324, October 25, 2006) | Shall not exceed 50 residents. |
| j) Maximum Capacity for Residential Care Facility
(By-law 06-324, October 25, 2006) | Shall not exceed 20 residents. |
| k) Home Business Regulations | In accordance with the requirements of Section 4.21 of this By-law.
(By-law 06-324, October 25, 2006) |
| l) Accessory Buildings | In accordance with the requirements of Section 4.8.1 of this By-law.
(By-law 06-324, October 25, 2006) |
| m) Urban Farm | <ul style="list-style-type: none"> i. Shall only be permitted in the rear yard or on the roof-top of the principle building; ii. In accordance with the requirements of Subsection 4.26 (c) of this By-law.
(By-law 14-273, September 24, 2014) |
| n) Community Garden | <ul style="list-style-type: none"> i. Shall only be permitted in the rear yard or on the roof-top of the principle building.
(By-law 14-273, September 24, 2014) |